IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON DIVISION

EQUILLA ANGENIKA YEARGIN, Plaintiff, v. SHARKNINJA OPERATING LLC, Defendant.	)	Civil Action No. 8:24-cv-03437-BHH **ORDER**

This is a products liability case involving a Ninja BL910 blender designed by Defendant SharkNinja Operating LLC ("Defendant" or "SharkNinja"). This matter comes before the Court on two motions: (1) SharkNinja's motion to exclude expert testimony of Mingxi Zheng ("Zheng") from Berkeley Engineering and Research ("BEAR"); and (2) SharkNinja's motion for summary judgment. (ECF Nos. 27, 28.) For the reasons set forth below, the Court grants both motions.[1]

I. Background

On July 20, 2021, while using her blender for the first time to make a smoothie, Plaintiff Equilla Angenika Yeargin ("Plaintiff") unpacked the blender by pulling everything

[1] Defendant does not request an evidentiary hearing in its motion to exclude. (ECF No. 27.) In her response, Plaintiff states that "[i]f the Court believes further information about Ms. Zheng's work would be helpful, Plaintiff requests in the alternative that a *Daubert* hearing be scheduled." (ECF No. 29 at 19.) Rule 104 requires a hearing on preliminary questions of admissibility in civil cases "when justice so requires." Fed. R. Evid. 104(c)(3). The Court has discretion in deciding whether to hold a *Daubert* hearing. *See Kumho Tire Co. v. Carmichael,* 526 U.S. 137, 152 (1999) ("The trial court must have [discretionary] latitude in deciding *how* to test an expert's reliability, and to decide whether or when special briefing or other proceedings are needed to investigate reliability, as it enjoys when it decides *whether or not* that expert's relevant testimony is reliable.") (emphasis in original); *see also United States v. Beasley*, 495 F.3d 142, 150 (4th Cir. 2007) (holding that a district court's decision on whether to hold a *Daubert* hearing is reviewed only for abuse of discretion). Upon review of Zheng's expert reports and the parties' arguments, the Court does not find a hearing necessary to resolve the motion to exclude because it does not believe that any information garnered at a hearing could cure the deficiencies identified herein.

out; read the directions on how to assemble the blender; and then put together the base, the pitcher, the blade, and the lid. (ECF No. 28-1 at 32:7-11; 33:6-34:16; 37:20-38:5; 39:8-9.) Plaintiff then set the base on the counter; locked the pitcher to the base; inserted the stacked blade assembly inside the pitcher; added her ingredients; put the lid on and aligned the arrows to lock the lid in place; and turned the blender on. (*Id.* at 35:18-36:8; 47:5-11; 50:2-18.) After starting the blender, Plaintiff testified that "it exploded with a loud noise"; "the lid popped off" the blender, landing "maybe about 10 feet away" from her; and the ingredients went everywhere. (*Id.* at 51:3-14.) Plaintiff confirmed that the pitcher did not come off the base. (*Id.* at 51:9-11.) As for the blade, Plaintiff testified that she first saw it on the ground, "maybe about 5 feet from" the lid but closer to the blender. (*Id.* at 51:15-21.) Plaintiff also testified that "the blade popped out" of the pitcher, injuring her right ankle / foot as the blade fell to the floor. (*Id.* at 56:1-2; 61:12-15.) Plaintiff testified that, before using the blender, she knew the blades were sharp and that the blade assembly was not locked inside the pitcher. (*Id.* at 52:21-53:13.) Plaintiff also testified that she followed all warnings and instructions. (*Id.* at 39:17-19.) Plaintiff initiated this action against SharkNinja, alleging that the blender's design is defective and asserting claims of strict liability, negligence, and breach of implied warranties. (ECF No. 1; *see also* ECF No. 30 at 2 & 2 n.1;[2].)

Defendant now moves to exclude the testimony of Plaintiff's expert, Mingxi Zheng ("Zheng") from Berkeley Engineering and Research ("BEAR") and moves for summary judgment in its favor on Plaintiff's claims. (ECF Nos. 27, 28.) Plaintiff filed a response in opposition to both motions, and Defendant filed a reply in support of both motions. (ECF

[2] Plaintiff abandoned her manufacturing defect and failure-to-warn claims in her response to SharkNinja's motion for summary judgment. (ECF No. 30.)

Nos. 29, 30, 33, 34.) Defendant then filed a notice of supplemental authority to bring the following recent decision to the Court's decision: *Mendoza v. SharkNinja Operating LLC*, No. 1:23-cv-00601-NYW-KAS, 2025 WL 2696876 (D. Colo. Sept. 22, 2025). (ECF No. 37.) The Court addresses the motion to exclude first, given that it may affect the scope of evidence the Court may consider in ruling on the motion for summary judgment.

II. Motion to Exclude

SharkNinja seeks to exclude the opinions of Plaintiff's expert, Zheng. (ECF No. 27.) It argues that Zheng's opinions are not reliable and fail to meet the requirements of Rule 702, Fed. R. Evid. (*Id.*)

A. Applicable Law

Federal Rule of Evidence 104 instructs that "[t]he court must decide any preliminary question about whether a witness is qualified . . . or evidence is admissible." Fed. R. Evid. 104(a). Federal Rule of Evidence 702, which was amended effective December 1, 2023, provides that expert testimony is admissible if "the proponent demonstrates to the court that it is more likely than not that: (a) the expert's scientific, technical, or other specialized knowledge will help the trier of fact to understand the evidence or to determine a fact in issue; (b) the testimony is based on sufficient facts or data; (c) the testimony is the product of reliable principles and methods; and (d) the expert's opinion reflects a reliable application of the principles and methods to the facts of the case." Fed. R. Evid. 702. While "[n]othing in the amendment imposes any new, specific procedures," the Committee Notes reflect that the purpose of the amendment was to clarify and emphasize: (1) the applicability of the "preponderance of the evidence standard," that is, that "expert testimony may not be admitted unless the proponent demonstrates to the court that it is more likely than not that the proffered testimony meets

the admissibility requirements set forth in [Rule 702]"; and (2) that "each expert opinion must stay within the bounds of what can be concluded from a reliable application of the expert's basis and methodology." Fed. R. Evid. 702 advisory committee's note to 2023 amendment.

"District courts serve as gatekeepers for expert testimony." *Munday v. Beaufort Cnty.*, No. 9:20-CV-02144-DCN, 2023 WL 9188398, at *2 (D.S.C. Mar. 31, 2023). A trial judge "must determine at the outset . . . whether the expert is proposing to testify to (1) scientific knowledge that (2) will assist the trier of fact to understand or determine a fact in issue. This entails a preliminary assessment of whether the reasoning or methodology underlying the testimony is scientifically valid and of whether that reasoning or methodology properly can be applied to the facts in issue . . . . Many factors will bear on the inquiry." *Daubert v. Merrell Dow Pharms., Inc.*, 509 U.S. 579, 592-93 (1993).

B. Summary of Zheng's Opinions

Zheng's initial expert report sets forth two design defect theories: (1) the blender's defective blade assembly design; and (2) the blender's defective interlock system. (ECF No. 27-1 at 7-10.) Zheng's first opinion is that "the design of the Ninja BL910 blender system is defective in that it creates an unnecessary risk of laceration by allowing the blade assembly to unintentionally separate from the pitcher, which directly led to the subject incident." (*Id.* at 13.) Zheng states that "an alternative design where the blade snaps into place would be a simple solution that does not require excessive redesign or additional costs if well executed." *Id*. Zheng's second opinion is that the blender system possesses an additional defect in that the "mechanical interlock system is faulty and allows for operation even when the lid and/or blade is not properly aligned and set up."

(*Id.*) Zheng again states that an alternative design exists, such as "[a]n interlock design that requires all four corners of the lid to be" engaged with the interlock system, which would have minimized the laceration risk. (*Id.*) Zheng concludes that the "subject injury was due to an anticipated action: the pitcher being tipped over without the lid" and "[h]ad a locking mechanism been used to retain the blade assembly . . . it is likely that the subject injuries would have been prevented." (*Id.* at 13.)

Zheng provided a supplemental report to account for her review of Plaintiff's deposition taken after the issuance of her initial report. (ECF No. 27-2.) Zheng describes the incident underlying this litigation as follows:

> Ms. Yeargin confirmed in her deposition that she was operating the blender when this incident occurred, and that the blender first made a rattling sound, then the lid popped off and the blade flew out. Both the lid and blade ended up on her kitchen floor, with the blade landing closer to the blender, and the pitcher staying on the base on the kitchen counter. She confirmed she did not tip over the blender without the lid. She also confirmed that she was operating the blender with ingredients when this happened and that the ingredients also exploded into her kitchen. Her confirmed recollection of events describes what is a normal, expected operation of a consumer blender.

Zheng then concludes:

> As explained in my original report on page 10, the blender does allow for operation in cases where the lid is not fully secured, counter to the product directions that state the lid and blender handle "MUST (sic) be aligned in order for the blender to be turned on." In function, this has proven to be untrue as previously described. Since the blade is designed to be loose in the pitcher, only held down by gravity, it creates an intrinsic danger that Ninja is aware of, given the amount of warnings regarding the loose blade. Since the blender does allow for an operating condition involving both a loose lid and a loose blade, the circumstances described by Ms. Yeargin are possible and plausible.
>
> While the sequence of events was slightly different than as stated in the conclusionary statement of my original report, the essence of the conclusion remains unaffected as supported by the body of the report, and my opinion remains unchanged: The injury was a result of an anticipated

> action – in this case the normal operation of the blender per directions in the Owner's Manual – and that a locking mechanism that retains the blade assembly against unintentional separation would have likely prevented the subject injury.

(*Id.* at 2-3 (internal footnote omitted).)

C. Discussion

1. Whether Zheng's Methodology Is Scientifically Reliable[3]

The United States Supreme Court in *Daubert* set forth four factors a court may consider when determining whether an expert witness's methodology is reliable, including: (1) whether the methodology "can be (and has been) tested"; (2) whether the methodology "has been subjected to peer review and publication"; (3) the "known or potential rate of error"; and (4) whether the methodology is generally accepted. *Daubert*, 509 U.S. at 593-94. These factors are not a "definitive checklist or test," *id.* at 593, and the weight of the factors is dependent on "the particular circumstances of the particular case at issue," *Kumho Tire Co., Ltd. v. Carmichael*, 526 U.S. 137, 150 (1999). The key focus "is to make certain that an expert, whether basing testimony upon professional studies or personal experience, employs in the courtroom the same level of intellectual rigor that characterizes the practice of an expert in the relevant field." *Id.* at 152.

And while "trial courts are typically given 'broad latitude' to determine which of these factors (or some other unspecified actors) are 'reasonable measures of reliability in a particular case' . . . . that broad discretion does not allow a district court to delegate the issue to the jury." *Sardis v. Overhead Door Corp.*, 10 F.4th 268, 281 (4th Cir. 2021)

[3] Defendant does not challenge Zheng's qualifications. (ECF No. 27.) After independent review, the Court finds that Zheng's degrees and work experience, as set forth in Section II of her initial report, is sufficient to qualify her to testify regarding design defects in blenders.

(quoting *Nease v. Ford Motor Co.*, 848 F.3d 219, 229 (4th Cir. 2017)) (internal citations omitted).

a. "Loose Lid Launching" Theory

Defendant contends that Zheng does not have a reliable foundation to provide expert testimony regarding what Defendant calls the "loose lid launching" theory because she did not conduct any testing to substantiate that this theory is possible, let alone probable. (ECF No. 27 at 8.) Defendant asserts that Zheng provides no evidence that the subject blender's lid can pop off and the blade assembly can fly out when operated. (*Id.*) According to Defendant, "BEAR did not provide any modeling or other explanation to demonstrate, as a matter of physics, that the [subject blender's] blade assembly could forcefully eject vertically through a pitcher lid under *any* circumstances." (*Id.* (emphasis in original).) Defendant also notes that Zheng does "not cite any literature or other scientific bases to validate this hypothesis." (*Id.*) What is more, Defendant argues, is that its own expert did test Zheng's hypothesis and disproved the "loose lid launching" theory. (*Id.* at 9 (citing to ECF No. 27-3, Defendant's expert's report (outlining eight (8) tests that were conducted)); *see id.* ("In no test did the pitcher lid separate from the pitcher or the blade eject from the pitcher.").) Defendant also contends that Plaintiff's design defect theory is unreliable because it is based on the unsupported assumption that the lid was not fully secured; however, "Plaintiff's undisputed testimony is that she locked the lid into place, consistent with the [blender's] instructions." (*Id.* at 10.)

In response, Plaintiff argues that Zheng's "analysis was methodical and thorough. She knew from experience, as well as basic physics, that the loosely sitting blade assembly can unintentionally detach from the blender's pitcher." (ECF No. 29 at 7.) Plaintiff continues, "[t]he problem is that the blade assembly sits loosely in the pitcher and

can fall out when turned upside down or knocked over because there is nothing hold[ing] it in place." (*Id.* at 8.) Plaintiff states that Zheng did "address[] how the subject incident could have occurred the way [Plaintiff] described" because Zheng states that "the subject blender can operate even when the blender's lid is not fully locked, the blade assembly is titled in the blender, or both events occur at the same time." (*Id.*) Plaintiff notes that physical testing is not a requirement under Rule 702 and, as for Defendant's expert's testing and contrary findings, Plaintiff states that a disagreement between experts "does not render Ms. Zheng's opinions unreliable. Rather, it presents yet another issue for the jury." (*Id.* at 9-12.) In sum, as to the design defect theories in Zheng's report, Plaintiff argues that Zheng's "methodology - understanding the facts and proceeding from one question to the next in logical order and engaging in the analysis needed to get the answers to each question – is the heart of the scientific method." (*Id.*) Thus, Plaintiff contends that Zheng's "'opinions are '"based on sufficient facts, are the product of reliable principles and methods, and reflect a reliable application of those principles and methods to the facts of the case.'" (*Id.* (quoting Fed. R. Evid. 702).)

In reply, Defendant relies on *Sardis* and *Nease* to support its argument that it is "an especially important factor" in the Court's analysis that Zheng did not test, or otherwise substantiate, the loose lid launching theory of design defect. (ECF No. 34 at 5 (quoting *Sardis*, 10 F.4th at 290).) Defendant further notes that the testing Zheng did do – of the tip over performance of the blender – is irrelevant to Plaintiff's theory of design defect in this case and to the facts of this case. (*Id.*) Defendant further argues that this is not a "battle of the experts" situation, as Plaintiff suggests, because Zheng failed to provide a reliable methodology and foundation to substantiate her design defect theory. (*Id.* at 5-6.)

2. Analysis

As noted, in 2023, Rule 702 was amended to clarify that the proponent of expert testimony must show that it is "more likely than not" that the expert's testimony is based on sufficient facts or data and is the product of reliable principles and methods. Fed. R. Evid. 702. Thus, the Court rejects the notion that Defendant's challenges to Zheng's methodology go to weight, not admissibility. (*See, e.g.*, ECF No. 29 at 10 ("SharkNinja is welcome to discuss what it believe is Ms. Zheng's lack of testing on cross-examination.")

Zheng concluded that "the circumstances described by [Plaintiff] are possible and plausible." (ECF No. 27-2 at 2.) Zheng's conclusion is based on her visual inspection of the blender, and Zheng's ability to turn the blender on while the blade is misaligned and/or while the lid is not fully level or engaged on the pitcher. (ECF No. 27-1 at 10.) Zheng, however, did no testing on the blender or an exemplar blender to test her hypothesis that, when used in either condition, "it allows for the blade to have space to move and push off the lid as it flies out of the pitcher." (ECF No. 27-1 at 10 (confirming that she did not test operation of the blender in either condition "to preserve the evidence").) Rather, she tested the "tip over performance" of the blender and a competitor product. (*Id.* at 27-1 at 8.) However, this testing (and the resulting conclusion) does not provide support or credibility to Plaintiff's theory of design defect that allegedly caused her injuries. (*See* ECF No. 28-1 at 50:22-51:11 (testifying that the pitcher did ***not*** come off the base when the blender exploded).) *See Huss v. Sharkninja Operating LLC*, 2025 WL 257226, at *9 (S.D. Ind. 2025) (holding that the expert failed to show that it is more likely than not that his methodology is reliable where, among other things, the expert "did not reproduce the characteristics" of the defect theory and "moreover, the testing he did perform used different conditions than [the defect] Theory, making his methodology regarding his

opinion that the blender had a design defect based on that theory unreliable"), *appeal dismissed*, No. 25-1262 (7th Cir. 2025).

Plaintiff is correct that testing is not always required. *Nease*, 848 F.3d at 232. ("*Daubert* is a flexible test and no single factor, even testing, is dispositive"). However, applying *Nease*, the Court finds that the lack of relevant testing here – where Zheng appears to simply assume that the lid will detach from the pitcher and the blade will eject from the pitcher while blending in either condition – seriously undermines the reliability of Zheng's testimony. *See Nease*, 848 F.3d at 232 ("Sero's failure to test his hypothesis renders his opinions on the cause of Howard's accident unreliable. Although Sero's theory is plausible and 'may even be right[,] . . . it is no more than a hypothesis, and it thus is not knowledge, nor is it based upon sufficient facts or data or the product of reliable principles and methods applied reliability to the facts of the case.'"). Indeed, there is nothing in Zheng's report setting forth any scientific principles supporting her opinions and conclusions. Rather, Plaintiff argues in a conclusory fashion that Zheng's methodology was "understanding the facts and proceeding from one question to the next in logical order, and engaging in the analysis needed to get the answers to each question, [which] is the heart of the scientific method." (ECF No. 29 at 8.) *See Mendoza v. Sharkninja Operating, LLC*, 2025 WL 2696876, at *4-5 (D. Colo. 2025) (finding this ***exact*** methodology, and the absence of testing, warranted exclusion of the expert's opinion under Rule 702).

Moreover, there is also no evidence that Zheng's loose lid launching theory has been accepted within the relevant scientific or engineering community. Nor has Zheng published or otherwise subjected her theory to peer review. As noted in *Nease,* and the

Court finds equally true here, "it would hardly be possible to solicit peer review since [Zheng] conducted no [relevant] tests and used no methodology for reaching [her] opinions other than merely observing" that the blender will turn on if the blade is misaligned and/or the side of the lid without the mechanical latch is not fully engaged on the pitcher. *Nease*, 848 F.3d at 232. In sum, absent a reliable methodology, the Court finds that Zheng's opinions and conclusions rest on speculation and present an impermissible analytical gap between the facts reviewed and the conclusions reached. *See Gen. Elec. Co. v. Joiner*, 522 U.S. 136, 146 (1997) ("[N]othing in either *Daubert* or the Federal Rules of Evidence requires a district court to admit opinion evidence that is connected to existing data only by the ipse dixit of the expert. A court may conclude that there is simply too great an analytical gap between the data and the opinion proffered."); *Sardis*, 10 F.4th at 289-90.

3. Whether Zheng's Testimony Will Aid the Trier of Fact

Defendant argues that Zheng's opinions will not aid the trier of fact because they are speculative in nature and not based on a reliable methodology, as just discussed. (ECF No. 27 at 10.)

In response, Plaintiff argues that "[t]here is a very logical relationship between Ms. Zheng's testimony and the factual issues in this case" and that Zheng "can help the jury understand what happened, and then help [the jury] decide whether Plaintiff's injuries were caused by a defective blender design," or not. (ECF No. 29 at 8-9.)

In its reply, Defendant reiterates that Zheng's speculative design defect theories will not aid the trier of fact. (ECF No. 34 at 8.) Defendant notes that district courts have excluded testimony from BEAR experts based on the speculative nature of their theories,

citing to *Huss*, a case where the parties asserted the exact same arguments now before this Court. 2025 WL 257226, at *9 (rejecting plaintiff's argument and finding the opinion of another expert's testimony from BEAR "not grounded in a reliable methodology" and that the "speculative nature of his opinions relating to all four design defect theories will not aid the trier of fact"). (ECF No. 34 at 8.)

4. Analysis

"Whether an expert will assist the factfinder is a question the trial court has 'wide discretion' to decide." *Sun Yung Lee v. Clarendon*, 453 F. App'x 270, 278 (4th Cir. 2011) (quoting *Mercado v. Austin Police Dep't*, 754 F.2d 1266, 1269 (5th Cir. 1985)).

> As discussed above, [Zheng]'s opinions are not grounded in a reliable methodology – they are not based on any [relevant] physical testing and [Zheng] does not set forth any other methodology to explain how [s]he reached h[er] conclusions. The speculative nature of h[er] opinions relating to [her] design defect theories will not aid the trier of fact. The Court finds that [Plaintiff] has not shown that it is more likely than not that [Zheng]'s testimony will aid the trier of fact.
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> In sum, the Court finds in exercising its gatekeeping function that [Plaintiff] has not sustained her burden of showing by a preponderance of the evidence that [Zheng]'s methodology is reliable and that h[er] opinions would aid the trier of fact.

Huss, 2025 WL 257226, at *9 (internal citations and footnotes omitted). Therefore, the Court grants Defendant's motion to exclude and holds that Zheng may not provide expert opinion testimony in this case.[4]

III. Motion for Summary Judgment

With this finding in mind, the Court addresses Defendant's motion for summary judgment. (ECF No. 28.)

[4] Given these findings, the Court need not and does not consider whether Zheng's opinions regarding defect causation, proposed alternative designs, and risk assessment are admissible.

A. Applicable Law

To prevail on a motion for summary judgment, the movant must demonstrate that there is no genuine dispute of material fact and the movant is entitled to judgment as a matter of law. Fed. R. Civ. P. 56(a). The party seeking summary judgment has the burden of identifying the portions of the "pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, [which] show that there is no genuine issue as to any material fact and that the moving part is entitled to a judgement as a matter of law." *Celotex Corp. v. Catrett*, 477 U.S. 317, 322-23 & n.4 (1986) (citing Rule 56(c)). The Court will interpret all inferences and ambiguities against the movant and in favor of the non-moving party. *U.S. v. Diebold, Inc.*, 369 U.S. 654, 655 (1962). Where the moving party has met its burden to put forth sufficient evidence to demonstrate there is no genuine dispute of material fact, the non-moving party must come forth with "specific facts showing that there is a genuine issue for trial." *Matsushita Elec. Indus. Co., Ltd. v. Zenith Radio Corp.*, 475 U.S. 574, 587 (1986) (citing Rule 56(e)). An issue of material fact is genuine if the evidence is such that a reasonable jury could return a verdict in favor of the non-moving party. *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 257 (1986).

B. Discussion

As noted at the outset, in her response, "Plaintiff concedes any claims related to manufacturing defect or failure to warn" and does not oppose the entry of summary judgment with respect to those claims. (ECF No. 30 at 2 n.1.) Thus, the Court **grants** Defendant's motion for summary judgment with respect to these claims. The Court's analysis, therefore, is limited to Plaintiff's design defect claim based on theories of strict liability, negligence, and breach of implied warranties.

Under South Carolina law, "in order to find liability under any products liability theory, a plaintiff must show: (1) he was injured by the product; (2) the injury occurred because the product was in a defective condition, unreasonably dangerous to the user; and (3) that the product at the time of the accident was in essentially the same condition as when it left the hands of the defendant." *Bragg v. Hi–Ranger, Inc.,* 462 S.E.2d 321, 326 (1995). The second essential element of all product liability claims requires the plaintiff to prove that "the injury occurred because the product was in a defective condition, unreasonably dangerous to the user." *Bragg*, 319 S.C. at 326. South Carolina case law has interpreted this language to mean the plaintiff must prove the product was both "defective" and "unreasonably dangerous." *See, e.g., Reed v. Tiffin Motor Homes, Inc.*, 697 F.2d 1192, 1196 (4th Cir. 1982) (citing *Claytor v. Gen. Motors Corp.*, 286 S.E.2d 129 131 (1982)).

A key argument in Defendant's *Daubert* and summary judgment motions is that Plaintiff's liability expert, Zheng, should be excluded, leaving Plaintiff with no evidence of her core allegation that there is a design defect in Defendant's BL910 blender. Defendant contends that Plaintiff must present expert evidence to establish a design defect and that she has not done so as discussed more specifically in its motion to exclude expert testimony of Zheng. (ECF No. 28 at 14-15.)

In response, Plaintiff argues that Zheng's opinion should not be excluded and that "[t]here are disputes of material fact on whether or not the subject blender was defective as well as the manner in which the subject incident occurred, based on Ms. Yeargin's use, which means that Defendant is not entitled to summary judgment." (ECF No. 30 at 21-22.) Plaintiff then argues that, even if the Court excludes Zheng's testimony, "Defendant's

Motion should be denied because expert testimony is not required to show a defect." (*Id.* at 22.) Plaintiff states that the blender is "a common household appliance that most jurors will be familiar with and will be able to understand," and she argues that circumstantial evidence, such as evidence of other similar incidents, is sufficient to show a design defect in this case. (*Id.* at 22-23.)

In its reply, Defendant argues that "the Supreme Court of South Carolina has explicitly rejected" Plaintiff's argument that expert testimony is not required because a blender is a common household appliance, citing *Graves v. CAS Med. Sys. Ins.*, 735 S.E.2d 650, 659 (S.C. 2012) ("Although we use computers in some form or fashion almost every day of our lives, the design and structure of the software they run is beyond the ordinary understanding and experience of laymen."); *see also id*. (recognizing the need for expert testimony in design-defect cases involving everyday products such as sports equipment, escalators, and shopping carts). (ECF No. 33 at 10-11 (noting further that federal district courts around the country have also rejected this argument and providing three citations).) Defendant contends that "Plaintiff's claims implicate design, physics, and structure of the [blender]," and that Plaintiff has acknowledged that she must present expert evidence to explain the "complex interactions of the blade assembly, pitcher lid, and mechanical interlock system." (*Id.* at 11 (pointing to Plaintiff's response to Defendant's motion to exclude and Zheng's expert reports).)

The Court first addresses the issue of whether expert evidence is necessary for Plaintiff to establish a design defect that made the blender unreasonably dangerous. *See Graves*, 735 S.E.2d at 659 ("Whether expert testimony is required is a question of law.").

"South Carolina law requires expert evidence where a factual issue must be resolved with scientific, technical, or any other specialized knowledge." *Hickerson v. Yamaha Motor Corp., U.S.A.*, No. 8:13-cv-2311, 2016 WL 4367141, at *3 (D.S.C. Aug. 16, 2016) (internal quotations omitted). As correctly noted by Defendant, courts have often ruled in product liability cases that expert testimony is required to prove that a product was defectively designed. *Graves*, 735 S.E.2d at 658-59 (recognizing that expert testimony is required in cases alleging design defects in products like automotive fuel systems, sports equipment, escalators, and even shopping carts). Here, the Court finds that Plaintiff's theory of defect in this case – that operating the blender with a loose lid could create enough momentum or pressure where the blade pushes the lid off, despite the interlock system being engaged, and the blade flies out of the pitcher – requires answering technical, scientific questions and is not something within "the common knowledge of the jury." *Babb v. Lee Cty. Landfill SC, LLC*, 747 S.E.2d 468, 481 (S.C. 2013). *See also Mendoza*, 2025 WL 2696876, at *11 (applying Colorado law) (finding that "a design defect in the NutriNinja blender is not within the common knowledge and experience of ordinary jurors" and requiring expert testimony to prove this element). Thus, the Court holds that expert testimony is required in this case to prove this element.[5]

[5] Even assuming *arguendo* that expert testimony is not required in this case, the Court finds that Defendant would still be entitled to summary judgment on Plaintiff's design defect claim. Plaintiff argues that evidence of similar incidents is sufficient circumstantial evidence to show that a design defect made the blender unreasonably dangerous. (ECF No. 30 at 22-23.) While "[e]vidence of similar accidents . . . is admissible in South Carolina where there is some special relation between the accidents tending to prove or disprove some fact in dispute," Plaintiff "must present a factual foundation for the court to determine that the other accidents were substantially similar to the accident at issue." *Watson v. Ford Motor Co.*, 699 S.E.2d 169, 179 (2010). Plaintiff has not done so. Thus, while some measure of circumstantial evidence may be sufficient to withstand summary judgment, as acknowledged by the South Carolina Supreme Court in *Graves*, 735 S.E.2 at 658, in this case, Plaintiff has failed to prove her design defect claim through circumstantial evidence.

As discussed above, Zheng's testimony does not help Plaintiff because Zheng's methodology is not reliable and her opinions and conclusions regarding a design defect in the blender would not help the trier of fact. Thus, because the Court has excluded Zheng's opinions with respect to any design defect, Plaintiff cannot rely upon Zheng's opinions to show that the blender had a design defect. Plaintiff has not presented any other expert testimony in support of this element. Consequently, Plaintiff has not shown that the blender had a defect that rendered it unreasonably dangerous when used in compliance with its accompanying warnings, and her design defect claim based on all three theories fails as a matter of law. *See Eichin v. Ethicon Endo-Surgery, Inc.*, No. 4:21-cv-03274-JD, 2024 WL 4564611, at *8 (D.S.C. Oct. 24, 2024) (granting summary judgment on negligence product liability claim in case involving surgical stapler because plaintiff failed to proffer expert testimony demonstrating existence of a defect); *Justice Farms of N.C., Inc. v. Claas of Am., Inc.*, No. 2:23-cv-1421-RMG, 2024 WL 473715, *5 (Feb. 1, 2024) (granting summary judgment on product liability claims after finding the expert's "design defect opinions are unreliable" in case involving explosion of combine); *Nobles v. DePuy Synthes Sales, Inc.*, 471 F. Supp. 3d 717, 724 (D.S.C. 2020) (granting summary judgment in case involving mandibular reconstruction plate case after excluding plaintiff's expert because "[t]he issues of the proper design of the product in question . . . are matters outside the lay expertise of jurors" and "Plaintiffs lack an expert witness to render a legally acceptable opinion under Rule 702 regarding any alleged defect in the design of the product"); *Est. of Ravenell ex rel. Ravenell v. Pugmill Sys., Inc.*, No. 2:13-cv-00815-PMD, 2014 WL 7146848, at *10 (D.S.C. Dec. 15, 2014) (granting summary judgment on product liability claims, finding "the lack of reliable expert testimony on the

issue of liability, or more specifically, the alleged defectiveness of the pugmill, is fatal to Plaintiff's claims"); *Disher v. Synthes (U.S.A.)*, 371 F. Supp. 2d 764, 773 (D.S.C. 2005) (granting summary judgment on design defect strict liability claim in case involving humeral nail because "plaintiff has failed to proffer expert testimony sufficient to permit a jury to conclude that the Nail was defective and unreasonably dangerous"). Accordingly, the Court grants Defendant's motion for summary judgment.

IV. Conclusion

For the foregoing reasons, the Court **grants** Defendant's motion to exclude expert testimony of Mingxi Zheng from Berkeley Engineering and Research, (ECF No. 27), and the Court **grants** Defendant's motion for summary judgment. (ECF No. 28.)

IT IS SO ORDERED.

/s/ Bruce Howe Hendricks
United States District Judge

March 23, 2026
Charleston, South Carolina